

QLDC Council  
29 September 2016

Report for Agenda Item: 11

Department: Property & Infrastructure

Easement – Reserve Adjacent to Sugar Lane, Frankton

**Purpose**

The purpose of this report is to consider an in-ground easement over reserve land for the purposes of laying electrical cables for street lighting and CCTV, as part of the Frankton Marina redevelopment.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground easement over Local Purpose Reserve, Sections 52 & 53 Blk XXI Shotover SD subject to section 48 (1)(d) of the Reserves Act 1977, in favour of Aurora Energy Limited subject to the following conditions;
  - a. Aurora Energy Limited to notify and liaise with QLDC Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
  - b. Operating health and safety plan to be received;
  - c. Certificate of adequate public liability cover to be received;
  - d. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.
3. **Agree** that notification of the intention to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out below;
4. **Delegate** authority to approve final terms and conditions, including location, and execution authority to the General Manager – Property & Infrastructure; and
5. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Aurora Energy Limited over Sections 52 & 53 Blk XXI Shotover SD.

Prepared by:



Blake Hoger  
Property Manager  
APL Property Limited

31/08/2016

Reviewed and Authorised by:



Aaron Burt  
Planner: Parks and Reserves

12/09/2016

## Background

- 1 Council administers the Reserve known as Frankton Marina, legally described as Sections 48-49 & 52-53 Block XXI Shotover SD and Sections 1 & 2 SO 21582 BLK XXI Shotover, Certificate of title OT7B/844.
- 2 The reserve is classified as Local Purpose (Marina and Accessway) Reserve NZGZ 2012 p 4423.
- 3 Works are due to commence shortly in this vicinity to redevelop the Lakeside Marina at Sugar Lane in Frankton. As part of these works, Aurora Energy Limited is required to install low voltage electricity cable and a street light / CCTV control circuit which will run between the State Highway, down along Sugar Lane and into the Local Purpose Reserve.
- 4 The length of cable required to run in the reserve is approximately 30m. Refer Attachment B for the proposed route of the cables.

## Comment

- 5 The works include the placement of approximately 25m of 3 x 300 NS LV electricity cable and 2-16Cu NS Streetlight/CCTV control circuit.
- 6 This requires a trench to be dug within which the cables will be laid. Prior to trenching commencing, cable and service locations and potholing will be undertaken utilising a small excavator and hand digging to confirm the cable route.
- 7 Once the cable route has been determined, a 14-20 tonne digger will be brought to the site and trenching will commence. The cable trench will be formed to a depth of at least 1.2m and a minimum width of 300mm. The cable installation is to be undertaken in accordance with AS/NZS 3000.
- 8 The cable will be laid direct in an open cut trench with a minimum of 800mm of cover. All sub transmission cables shall be installed in thermally stable backfill from Downer EDI Parkburn Quarry with a thermal resistivity less than or equal to 1.20Cm/Watt when fully dried out.

- 9 The cable installation is to have orange cable marker tape complying with AS/NZS2648.1 and positioned at approximately 50% of its depth of cover. The electricity cable will be spaced 300 mm (minimum) from other service authorities' parallel plant or greater if required by those service authorities.
- 10 As per QLDC's Easement Policy 2008, both an application fee along with a one off underground services easement fee are applicable. In accordance with the policy, the easement fee is estimated to be \$7,500.00 plus GST.
- 11 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is now delegated to Council and must be granted prior to the Easement being lodged with LINZ.
- 12 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publically notified in accordance with Section 48(2) unless it can be shown that people's ability to enjoy the reserve is not affected and that there is no long term effect on the land. These matters are considered below:

Does the easement affect the ability of people to use and enjoy the reserve?:

- 13 While there would be some temporary minor disruption during the installation of the cables, long term there would be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the installation is complete, users of the reserve would be unaware that any changes that have been made to the reserve.

Does the easement create any long term permanent effect on the reserve?:

- 14 Aside from during the installation process, this easement will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be underground it is considered that the creation of the easement will not have any long term effect on the reserve.
- 15 Taking into account the above factors, it is not considered that the easement will permanently effect the reserve or affect the ability of people to use and enjoy the reserve.
- 16 This report recommends that any approval granted for an easement be subject to the following conditions;
  - a. The applicant to notify and liaise with QLDC Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
  - b. Operating health and safety plan to be received;
  - c. Certificate of adequate public liability cover to be received;
  - d. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.

## Options

17 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

18 Option 1 Council can grant the easement over Local Purpose Reserve, Sections 52 & 53 Blk XXI Shotover SD subject to the conditions outlined above.

### *Advantages:*

19 Development of the Frankton Marina can proceed as planned.

20 Council will receive an Easement Fee of approximately \$7,500.00 plus GST.

### *Disadvantages:*

21 The easement area will not be available for other utility infrastructure.

22 Access to the reserve will be temporarily limited.

23 Option 2 Council can grant the easement over Local Purpose Reserve, Sections 52 & 53 Blk XXI Shotover SD subject to alternative conditions.

### *Advantages:*

24 Similar to Option 1 however the Council may deem it appropriate to add, amend or vary the proposed conditions.

### *Disadvantages:*

25 Similar to Option 1.

26 Option 3 Council can decline the easement over Local Purpose Reserve, Sections 52 & 53 Blk XXI Shotover SD.

### *Advantages:*

27 The Reserve will not be encumbered by a new easement.

### *Disadvantages:*

28 The applicant may need to consider alternative routes for their cables which may result in greater impact to existing infrastructure, the public and users of the reserve.

29 This report recommends Option 1 for addressing the matter as it will enable the development of the Frankton Marina to proceed as planned.

## ***Significance and Engagement***

30 This matter is of low significance, as determined by reference to the Council's Significance and Engagement policy because it does not involve a Council

strategic asset, is of low importance to the Queenstown Lakes District, is not of interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

### **Risk**

31 This matter relates to operation risk OR011A Decision making. The risk is classed as moderate. A perpetual property right contained in the recreational reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

### **Financial Implications**

32 Council will receive an easement fee of approximately \$7,500.00 plus GST in accordance with the easement policy.

33 All costs associated with the survey and registration of the easement on Council's title will be paid for by the applicant.

### **Council Policies, Strategies and Bylaws**

34 The following Council policies, strategies and bylaws were considered:

- Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment and is not expected to create a community interest in the matter.
- Easement Policy 2008 – the application is consistent with the policy.
- 10-Year Plan/Annual Plan – the matter is not included in the 10-Year Plan / Annual Plan as the applicant will pay all costs.

### **Local Government Act 2002 Purpose Provisions**

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by allowing the continuation of electricity cabling underground at no cost to Council.;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

36 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014, is consistent with s10 of the Local Government Act and is not included in the 10-Year Plan/Annual Plan.

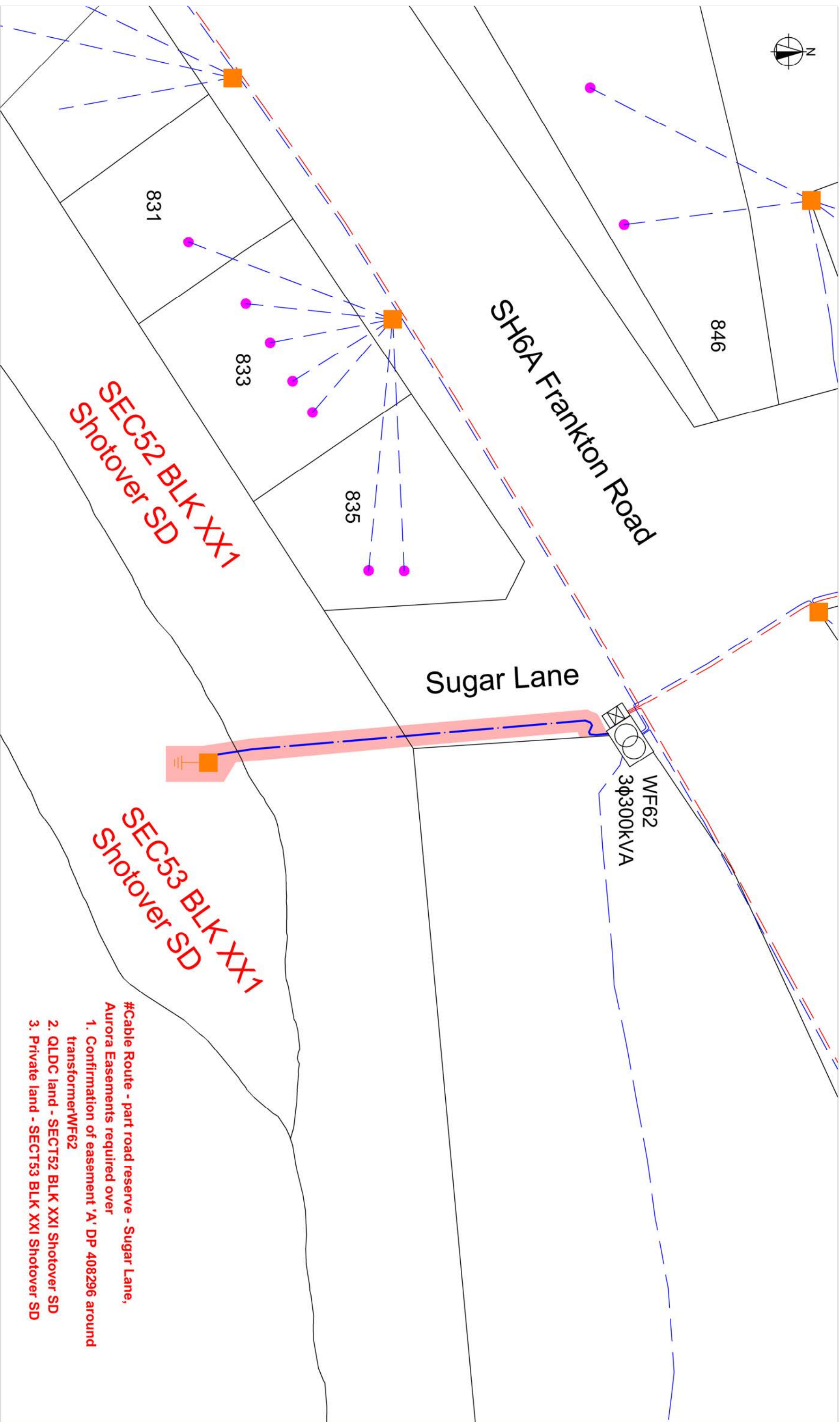
## **Attachments**

- A Site Plan
- B Plan of cable route



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#Cable Route - part road reserve - Sugar Lane,  
Aurora Easements required over

1. Confirmation of easement 'A' DP 408296 around transformer WF62
2. QLD land - SECT52 BLK XXI Shotover SD
3. Private land - SECT53 BLK XXI Shotover SD

Rev.	Description	Drm	Ckd	Date	References	Kevin Richards 021 272 1332 kevin.richards@thinkdelta.co.nz	T. Adams 22/06/16	Job number Drawing No. TW5610	CFR	File Name TW5610.dwg	Scale NTS	Sheet 1 of 1
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						Checked						
						Approved						

LAKES MARINA PROJECT LTD – EASEMENT

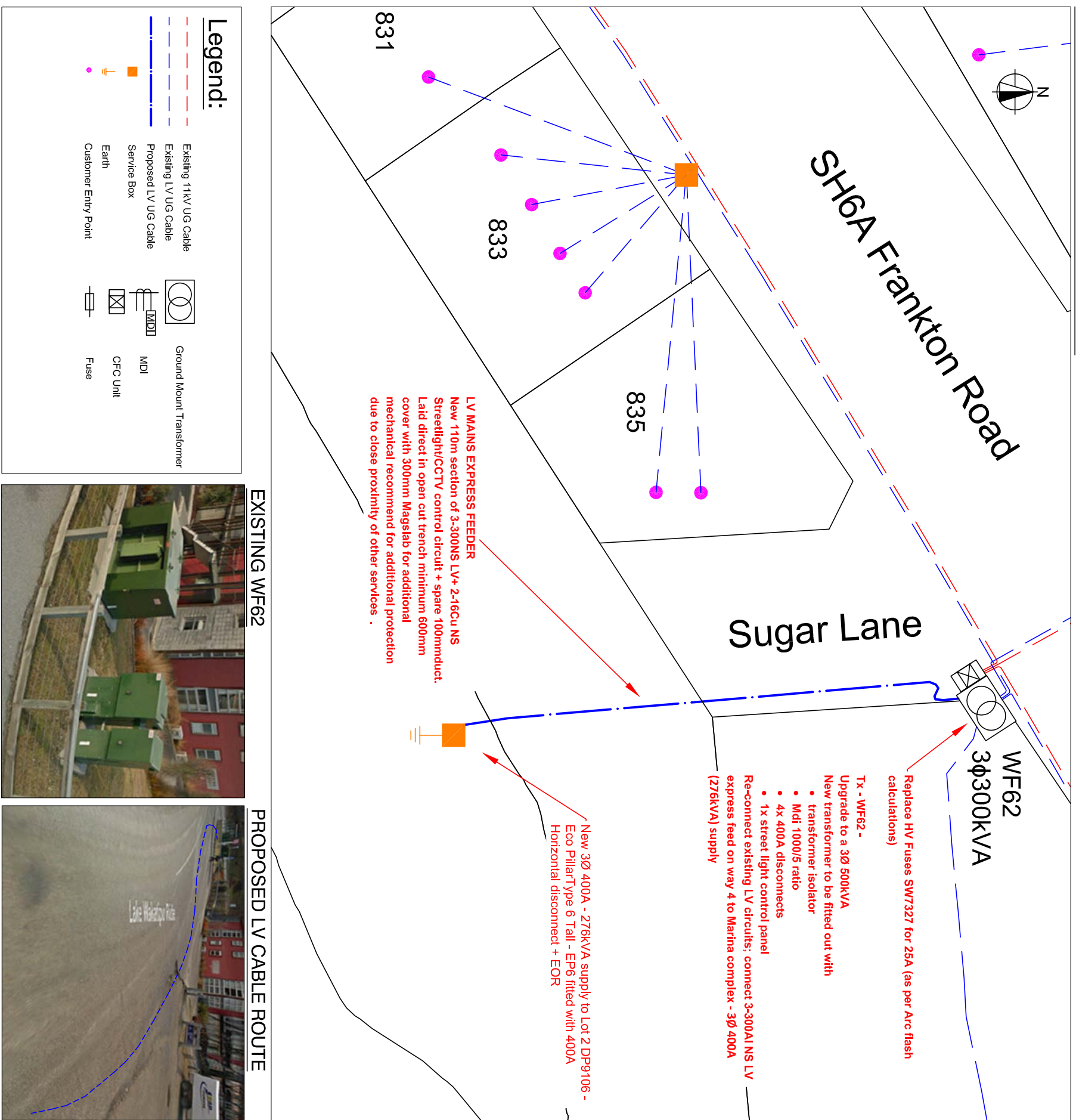
FRANKTON MARINA

FRANKTON



Rev: A





EXISTING WF62

PROPOSED LV CABLE ROUTE

Legend:

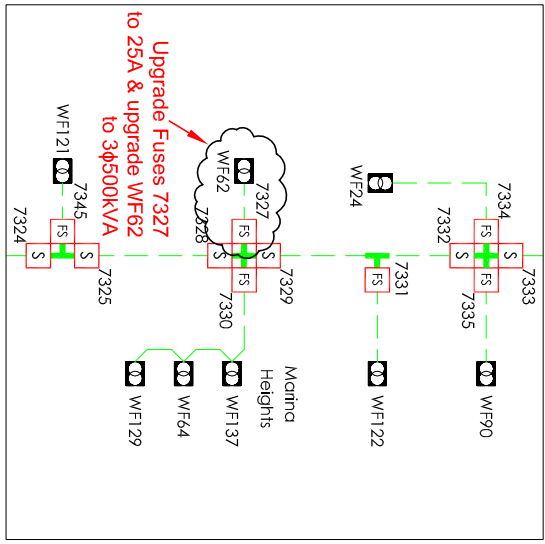
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- Existing LV UG Cable
- Proposed LV UG Cable
- Service Box
- Earth
- Customer Entry Point
- Ground Mount Transformer
- MIDI
- CFC Unit
- Fuse

Rev.	Description	Drm	Ckd	Date	References
					Kevin Richards 021 272 1332
					Kevin Richards kevin.richards@thinkkela.co.nz
					Drawn T.Adams
					Checked T.Adams
					Approved

Job number	Drawing No.
TW5610	TW5610

CFR	File Name
	TW5610.dwg

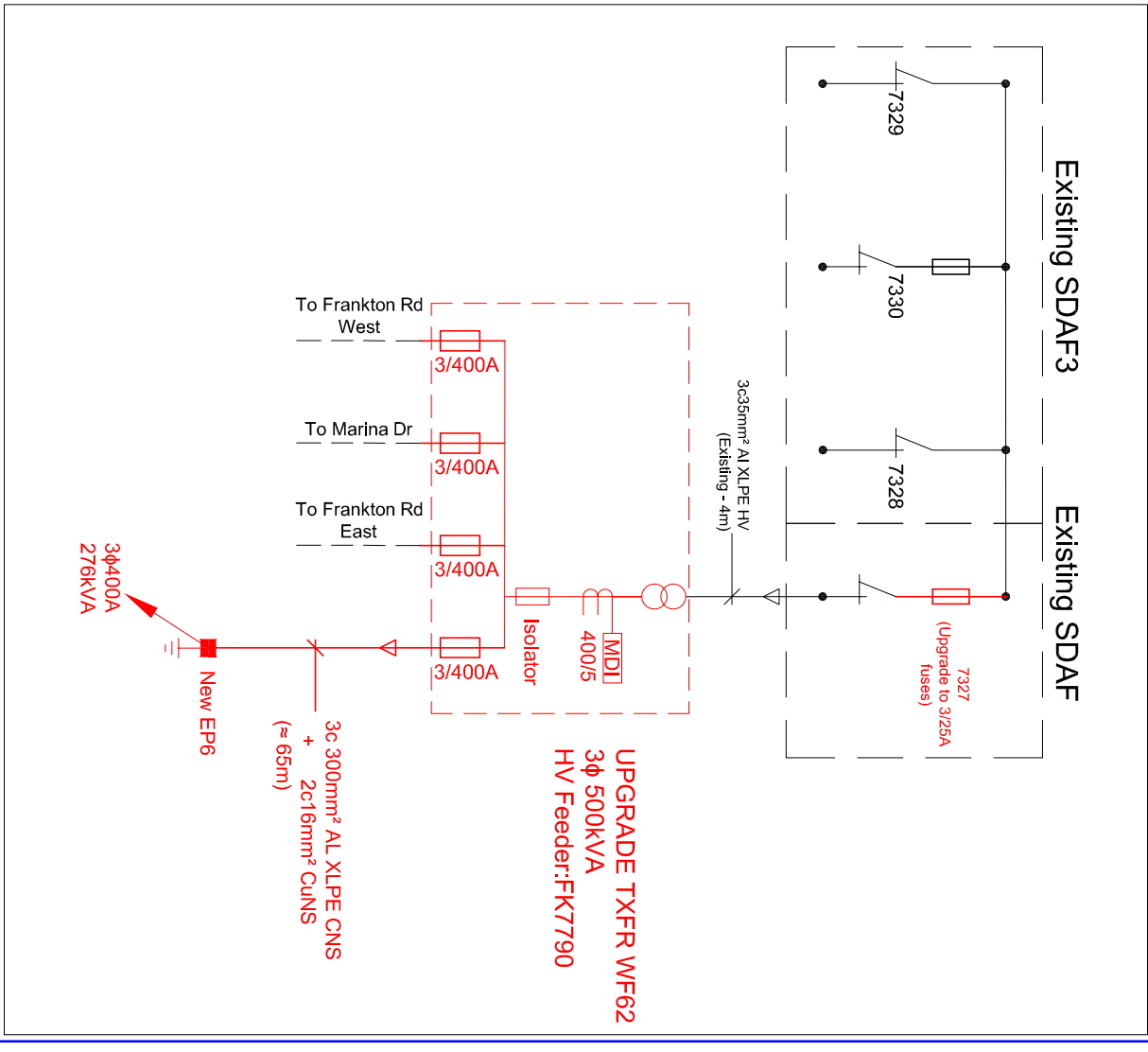
Scale	Sheet
NTS	1 of 1



HV SCHEMATIC

LOCATION

SINGLE LINE DIAGRAM



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FRANKTON



Rev: A